

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BRANCH BANKING AND TRUST
COMPANY,

Plaintiff,

v.

AMY'S ORCHIDS, LLC, *et al.*,

Defendants.

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Civil Action No. 3:14cv252-HEH

**JUDGMENT ORDER
(Granting Motion for Default Judgment)**

THIS MATTER is before the Court on Plaintiff Branch Banking and Trust Company's ("Plaintiff") Motion for Default Judgment ("Motion," ECF No. 15) against Defendants Amy Orchids, LLC, and Amornrat Vongpitaka ("Defendants"), filed on November 12, 2014. Defendants have not filed any responsive pleading to Plaintiff's Complaint or to this Motion, and the time to do so has now expired. The Clerk having entered Defendants' default on October 1, 2014 (ECF No. 14), and upon consideration of the record before the Court, the Motion is GRANTED.

Plaintiff requests that the Court enter default judgment against Defendants in the amount of \$86,784.13, plus accrued interest of \$2,757.81 and late fees and other charges in the amount of \$4,995.59 as of April 1, 2014, together with pre- and post- judgment interest thereon at the Bank's Prime Rate, as announced from time to time, plus 5% per annum, from April 2, 2014, until paid.¹ Additionally, Plaintiff requests reasonable attorneys' fees and costs of \$5,152.20


¹ Plaintiff relies on an affidavit (ECF No. 16) Leslie Rodgers, Vice President/Asset Manager IV and Authorized Agent of Branch Banking and Trust Company to establish these amounts.

incurred in attempting to collect the indebtedness evidenced by the Note and the Guaranty.²

This action was brought to enforce: 1) Promissory Note dated November 11, 2010 executed by Amy's Orchids, LLC (the "Note"); and 2) guaranty agreement dated June 12, 2008 by which Amornrat Vongpitaka ("Vongpitaka") absolutely and unconditionally guaranteed to Plaintiff the obligations of Amy's Orchids, LLC (the "Guaranty"), which Defendants allegedly breached. (Complaint, ECF No. 1, Exs. A & B thereto.) Thus, pursuant to Federal Rule of Civil Procedure 55(b)(2), it is hereby ORDERED that default judgment is entered against Defendants jointly and severally, in the principal sum of \$86,784.13, plus accrued interest of \$2,757.81 and late fees and other charges in the amount of \$4,995.59 as of April 1, 2014, together with pre- and post- judgment interest thereon at the Bank's Prime Rate, as announced from time to time, plus 5% per annum, from April 2, 2014, until paid, and its reasonable attorneys' fees and costs of \$5,152.20 incurred in attempting to collect the indebtedness evidenced by the Note and the Guaranty.

The Clerk is directed to send a copy of this Order to all counsel of record.

It is so ORDERED.

 /s/_____
Henry E. Hudson
United States District Judge

Date: Dec. 2, 2014
Richmond, Virginia

² Under the terms of the Note and Guaranty, Plaintiff is entitled to recover reasonable attorneys' fees and costs. Plaintiff relies on the sworn affidavit of Britteny N. Jenkins, Associate at Spilman, Thomas & Battle, PLLC, the law firm handling this matter for Plaintiff, to determine that Plaintiff has incurred attorneys' fees of \$5,152.20 (ECF No. 15-3 at ¶ 3).